



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

CNR

### **Introduction**

This hearing dealt with an application by the tenant to cancel a Notice to End Tenancy (the Notice), dated August 08, 2012. I accept the tenant inadvertently filed to cancel a Notice to End for Cause, when in fact they received a Notice to End for Unpaid Rent.

I further accept the tenant's evidence that despite the landlord having been served with the application for dispute resolution and notice of hearing by personal service on August 09, 2012, in accordance with Section 89 of the Residential Tenancy Act (the Act) the landlord did not participate in the conference call hearing.

The tenant was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Should the Notice to End dated August 02, 2012 be set aside?

### **Background and Evidence**

The landlord did not appear in the hearing to defend their reasons respecting the Notice to End, nor to request an Order of Possession. The tenant testified that they paid their rent in full and received confirmation from the landlord that the tenancy was thus continuing and no longer an issue between the parties.

### **Analysis**

On preponderance of the evidence before me I find the landlord's Notice to End may have been issued for valid reasons but no longer constitutes the basis for a dispute between the parties. Therefore, **I Order** the Notice to End dated August 02, 2012 is **cancelled**, or set aside. If necessary, the landlord is at liberty to issue another new Notice to End for *valid* reasons.

**Conclusion**

The tenant's application is granted. The landlord's Notice to End is **set aside and is of no effect**. The tenancy continues.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 10, 2012.

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Residential Tenancy Branch